

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE AND CANNABIS BOARD

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MEETING

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IN THE MATTER OF: :

Partners at :

723 8th St SE, LLC :

t/a The Ugly Mug :

Dining Saloon :

723 8th Street SE : Show Cause

Retailer CR - ANC 6B : Hearing (Status)

License No. 71793 :

Case #24-CIT-00206 :

:(Failed to File :)

Quarterly Statement) :

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Wednesday
October 23, 2024

The Alcoholic Beverage and Cannabis Board met via WebEx videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
SILAS GRANT, JR., Member
TERI JANINE QUINN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABCA Staff
JOSE JEAN-BAPTISTE, DC OAG
INVESTIGATOR JEREMY ZOLLARCOFFER, DC ABCA

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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:51 a.m.)

3 CHAIRPERSON ANDERSON: And our last
4 case for the morning, we do have a show cause
5 hearing and it's Case Number 24-CIT-00206, the
6 Ugly Mug Dining Saloon, License Number 71793.
7 Mr. Orellana, can you please elevate the
8 government and the licensee, and any other
9 witnesses in this case?

10 MR. ORELLANA: Sure. Jose
11 Jean-Baptiste, your access has been elevated.
12 Investigator Jeremy Zollarcoffer, your access has
13 been elevated. That is all, Chair.

14 CHAIRPERSON ANDERSON: Thank you. And
15 Mr. Orellana, can you do me a favor, please?
16 Once again, can you reach out in the chat to see
17 whether or not the licensee is here to
18 participate?

19 MR. ORELLANA: Sure thing. No update,
20 Chair.

21 CHAIRPERSON ANDERSON: All right,
22 thank you. All right, so let me have the parties
23 identify themselves for the record. Mr.
24 Jean-Baptiste, can you please spell and state
25 your name for the record?

1 MR. JEAN-BAPTISTE: Good morning,
2 Board members, Mr. Chairperson. This is Jose
3 Jean-Baptiste. Name's spelled J-O-S-E
4 J-E-A-N-B-A-P-T-I-S-T-E, assistant attorney
5 general for the District.

6 CHAIRPERSON ANDERSON: Good morning,
7 sir. And if this matter goes to a hearing, do
8 you have a witness you wish to call?

9 MR. JEAN-BAPTISTE: That is correct,
10 Mr. Chairperson, I do have Investigator Jeremy
11 Zollarcoffer.

12 CHAIRPERSON ANDERSON: Good morning,
13 Mr. Zollarcoffer. Can you please spell and state
14 your name for the record?

15 MR. ZOLLARCOFFER: Good morning, Mr.
16 Chair, Board members. My name's Jeremy
17 Zollarcoffer. It's J-E-R-E-M-Y, last name
18 Zollarcoffer, Z-O-L-L-A-R-C-O-F-F-E-R.

19 CHAIRPERSON ANDERSON: Mr.
20 Jean-Baptiste, I see that the licensee is not
21 here. Have you had any conversation with the
22 licensee?

23 MR. JEAN-BAPTISTE: Yeah, Mr.
24 Chairperson, we have tried to communicate an
25 offer in compromise to the licensee. We did

1 receive an email on October the 16 asking for an
2 OIC, however, an OIC was re-communicated to the
3 establishment I believe that same day.

4 However, I have not heard back from
5 them, and I sent another message to the
6 establishment I believe yesterday, and this
7 morning I did not receive anything back from
8 them.

9 CHAIRPERSON ANDERSON: All right. Is
10 the government prepared to move forward ex parte?

11 MR. JEAN-BAPTISTE: That's correct,
12 Mr. Chairperson.

13 CHAIRPERSON ANDERSON: All right.
14 Pursuant to D.C. Official Code, Section 25447E,
15 the Board has authority to proceed ex parte where
16 the licensee waives the hearing or fails to
17 appear, unless the hearing is extended for good
18 and sufficient cause. The Board's record
19 reflects that the licensee was properly served.
20 Seeing no licensee here today and having no good
21 and sufficient cause to extend the hearing, the
22 Board will proceed with the show cause hearing.
23 Do you have an opening statement that you wish to
24 make, sir?

25 MR. JEAN-BAPTISTE: Yes, I have a

1 short opening statement, Mr. Chairperson.

2 CHAIRPERSON ANDERSON: Go ahead.

3 MR. JEAN-BAPTISTE: Good morning,
4 Board members. We are here today because the
5 Ugly Mug, located at 723 8th Street, Southeast in
6 Washington, D.C. failed to timely file its
7 quarterly statement for the period of October 1,
8 2023 to December 31, 2023 in violation of D.C.
9 Code 25-113E2A and 23-DCMR-1207.1. You'll hear
10 from Investigator Jeremy Zollarcoffer and an ABCA
11 compliance analyst provided a list of
12 establishments that failed to file quarterly
13 statements for the period of October 1, 2023 to
14 December 31, 2023, and that the Ugly Mug was on
15 that list.

16 He will tell you that he visited the
17 Ugly Mug and informed the establishment of the
18 violation and issued it a citation with a fine of
19 \$750. Investigator Zollarcoffer's testimony will
20 clearly establish that the Ugly Mug failed to
21 file its quarterly statement by the prescribed
22 deadline.

23 CHAIRPERSON ANDERSON: That's it, sir?

24 (No audible response.)

25 CHAIRPERSON ANDERSON: All right.

1 Does the government have a witness they wish to
2 call?

3 MR. JEAN-BAPTISTE: Yes, the
4 government at this time would like to call
5 Investigator Jeremy Zollarcoffer.

6 CHAIRPERSON ANDERSON: Mr.
7 Zollarcoffer, can you raise your right hand,
8 please? Do you swear or affirm to tell the truth
9 and nothing but the truth?

10 MR. ZOLLARCOFFER: Yes.

11 CHAIRPERSON ANDERSON: Your witness,
12 sir.

13 MR. JEAN-BAPTISTE: Good morning, Mr.
14 Investigator Zollarcoffer. Could you please
15 spell your name for the record?

16 MR. ZOLLARCOFFER: It's Jeremy
17 Zollarcoffer. J-E-R-E-M-Y
18 Z-O-L-L-A-R-C-O-F-F-E-R.

19 MR. JEAN-BAPTISTE: Where are you
20 currently employed?

21 MR. ZOLLARCOFFER: With the Alcoholic
22 Beverage and Cannabis Administration.

23 MR. JEAN-BAPTISTE: And what is your
24 position at -- if I say ABCA, do you know what
25 that means?

1 MR. ZOLLARCOFFER: Yes.

2 MR. JEAN-BAPTISTE: And what is your
3 position at ABCA?

4 MR. ZOLLARCOFFER: I'm one of the
5 investigators.

6 MR. JEAN-BAPTISTE: And how long have
7 you been an investigator?

8 MR. ZOLLARCOFFER: I'm coming up on
9 six years.

10 MR. JEAN-BAPTISTE: What are your
11 duties and responsibilities as an investigator?

12 MR. ZOLLARCOFFER: Conduct
13 inspections, investigations to licensed ABC
14 establishments within the District of Columbia.

15 MR. JEAN-BAPTISTE: And are you
16 familiar with an establishment named the Ugly
17 Mug?

18 MR. ZOLLARCOFFER: Yes, I am.

19 MR. JEAN-BAPTISTE: How are you
20 familiar with this establishment?

21 MR. ZOLLARCOFFER: We visited the
22 establishment a few times, most recently March 5,
23 to advise them of a quarterly statement
24 violation.

25 MR. JEAN-BAPTISTE: And did you create

1 a case report for the investigation?

2 MR. ZOLLARCOFFER: I did.

3 MR. JEAN-BAPTISTE: I'm going to
4 direct you to a document marked as Government
5 Exhibit 1 for identification.

6 (Whereupon, the above-referred to
7 document was marked as Government Exhibit No. 1
8 for identification.)

9 MR. ZOLLARCOFFER: Okay.

10 MR. JEAN-BAPTISTE: Mr. Chairperson,
11 do I have permission to share my screen?

12 CHAIRPERSON ANDERSON: Mr. Orellana,
13 can you allow the attorney to share his screen?
14 Thank you.

15 MR. ORELLANA: Yeah.

16 MR. JEAN-BAPTISTE: Investigator
17 Zollarcoffer, can you please take a moment and
18 review Exhibit 1? Do you recognize this
19 document?

20 MR. ZOLLARCOFFER: It's the one that
21 I've written.

22 MR. JEAN-BAPTISTE: And what is this
23 document?

24 MR. ZOLLARCOFFER: That's a case
25 report written for a quarterly statement

1 violation to Ugly Mug for the fourth quarter
2 2023, failure to file timely.

3 MR. JEAN-BAPTISTE: Okay, and I know
4 you did state this before, but for the record,
5 can you please let us know who created this
6 report?

7 MR. ZOLLARCOFFER: I did.

8 MR. JEAN-BAPTISTE: And why do ABCA
9 investigators create reports?

10 MR. ZOLLARCOFFER: To notify the Board
11 of violations of licensed establishments.

12 MR. JEAN-BAPTISTE: And did you review
13 this report during the approval process?

14 MR. ZOLLARCOFFER: Yes.

15 MR. JEAN-BAPTISTE: Is this a fair and
16 accurate representation of the case report that
17 you created during your investigation into the
18 Ugly Mug?

19 MR. ZOLLARCOFFER: Yes, it is.

20 MR. JEAN-BAPTISTE: And it's not
21 necessary, Mr. Chairperson, of course, to move it
22 into evidence due to 23 ECMR1713.10, as this
23 report is part of the Board's record.

24 CHAIRPERSON ANDERSON: So noted.

25 MR. JEAN-BAPTISTE: And Investigator

1 Zollarcoffer, what was this investigation about?

2 MR. ZOLLARCOFFER: It was a visit to
3 the establishment to conduct an inspection,
4 notify the establishment of failure to file in a
5 timely manner regarding the delinquent quarterly
6 statements, notified, met with the agency
7 manager, conducted an inspection, and wrote a
8 monetary fine for the violation.

9 MR. JEAN-BAPTISTE: Thank you, I was
10 going to ask what occurred during the
11 investigation, however you did notate that, what
12 occurred. So when was the deadline for
13 establishments to file their quarterly statements
14 for the fourth quarter of 2023?

15 MR. ZOLLARCOFFER: This was for a
16 fourth quarter violation, so the deadline was
17 February 1, midnight, 2024, so a three-day grace
18 period following the last date of the quarter.

19 MR. JEAN-BAPTISTE: And did the Ugly
20 Mug file the quarterly statement?

21 MR. ZOLLARCOFFER: They did file. I
22 spoke with the compliance analyst who provided a
23 timestamp document that on February 15, 11:15,
24 that they filed, so past the deadline.

25 MR. JEAN-BAPTISTE: Okay, and for the

1 record, did you say that that date that they
2 filed was past the deadline for them to file the
3 quarterly statement?

4 MR. ZOLLARCOFFER: Yeah, they had
5 until the last day of January to file, they filed
6 on February 15.

7 MR. JEAN-BAPTISTE: Thank you. And
8 did the Ugly Mug ever pay the citation you
9 issued?

10 MR. ZOLLARCOFFER: No, it's still
11 pending. They're contesting it apparently with
12 the show cause that they're not here for. But
13 they also -- just to note, they have two
14 additional open case reports for the same failure
15 to file quarterly statements, so it appears to be
16 repeatedly happening over there.

17 MR. JEAN-BAPTISTE: Thank you. At
18 this moment, the government has no further
19 questions for Investigator Zollarcoffer.

20 CHAIRPERSON ANDERSON: Close your
21 screen please, sir. Any questions by any Board
22 members?

23 (No audible response.)

24 CHAIRPERSON ANDERSON: All right,
25 hearing none, Investigator Zollarcoffer, thank

1 you very much for your testimony, you are free to
2 go, sir.

3 MR. ZOLLARCOFFER: Thank you very
4 much.

5 CHAIRPERSON ANDERSON: Does the
6 government wish to make a closing statement?

7 MR. JEAN-BAPTISTE: Yes, I do have a
8 brief statement, Mr. Chairperson.

9 CHAIRPERSON ANDERSON: Go ahead, sir.

10 MR. JEAN-BAPTISTE: The government has
11 proven to the Board by preponderance of evidence
12 that the Ugly Mug failed to timely file its
13 quarterly statement for the October 1, 2023 into
14 December 31, 2023 period. You heard Investigator
15 Zollarcoffer testify that ABCA produced a list of
16 establishments who had failed to meet the filing
17 deadline, and that the Ugly Mug was included on
18 that list.

19 You also heard Investigator
20 Zollarcoffer testify that they never paid the
21 \$750 fine. The District has therefore proven the
22 charge in the notice to show cause. And the
23 District recommends that the Board apply a
24 penalty consistent with D.C. Code 25-830. Thank
25 you.

1 CHAIRPERSON ANDERSON: Thank you. The
2 case has now been -- the record is now closed.
3 And so let me read the statement. As chairperson
4 of the Alcoholic Beverage and Cannabis Board for
5 the District of Columbia, in accordance with D.C.
6 Code, Section 2575 of the Open Meetings Act, I
7 move that ABC Board hold a closed meeting for the
8 purpose of seeking legal advice from our counsel
9 on Case Number 24-CIT-00206, the Ugly Mug Dining
10 Saloon, pursuant to D.C. Official Code, Section
11 2575B4A of the Open Meetings Act, and
12 deliberating upon Case Number 24-CIT-00206, the
13 Ugly Mug Dining Saloon, for the reasons cited in
14 D.C. Official Code, Section 2575B13 of the Open
15 Meetings Act. Is there a second?

16 MEMBER SHORT: Mr. Short, I second.

17 CHAIRPERSON ANDERSON: Mr. Short has
18 seconded the motion. I will now take a roll call
19 vote on the motion now that it's been properly
20 seconded. Mr. Short?

21 MEMBER SHORT: Mr. Short, I agree.

22 CHAIRPERSON ANDERSON: Mr. Grant?

23 MEMBER GRANT: Mr. Grant, I agree.

24 CHAIRPERSON ANDERSON: Ms. Janine
25 Quinn?

1 MS. QUINN: Ms. Quinn, I agree.

2 CHAIRPERSON ANDERSON: And Mr.
3 Anderson, I agree. As it appears that the motion
4 has passed 4-0, I hereby give notice that the ABC
5 Board will recess this proceeding to hold a
6 closed meeting pursuant to Section 2575 of the
7 Open Meetings Act.

8 Thank you, sir, for your presentation
9 this morning. The Board will issue a decision
10 within 25 days. Thank you very much, have a
11 great day.

12 MR. JEAN-BAPTISTE: You all have a
13 good day as well.

14 CHAIRPERSON ANDERSON: All right,
15 thank you. All right, the Board is going to go
16 into its brief recess. We will be back shortly
17 to continue our agenda items, so I will now ask
18 all the Board members to return to executive
19 session for further action and -- or thank you.
20 When I said brief recess, so I want the court
21 reporter to stay online because we're going to be
22 in a brief recess.

23 (Whereupon, the above-entitled matter
24 went off the record at 11:06 a.m.)

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This is to certify that the foregoing transcript

In the matter of: The Ugly Mug Dining Saloon

Before: DC ABCA

Date: 10-23-24

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



Court Reporter

NEAL R. GROSS

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